

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
July 14, 2011  
Council Chambers  
6:30 p.m.**

**CALL TO ORDER:** Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

Mayor Norkavage asked for a moment of silence in memory of Mrs. Grandell who passed away.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

MAYOR DEBORAH A. NORKAVAGE	PRESENT
1 <sup>ST</sup> DISTRICT JOHN JAREMCHUK, JR.	ABSENT/EXCUSED
2 <sup>ND</sup> DISTRICT STEVEN BURG	PRESENT
3 <sup>RD</sup> DISTRICT ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT EDWARD OLGA	ABSENT/EXCUSED
Town Solicitor, Edward McNally – Present	
Town Manager, John Giles – Present	
Chief of Police, Laura Giles - Present	

**PUBLIC COMMENT:** None

**APPROVAL OF MINUTES:**

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the June 11, 2011 Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:** 5-0 with 2 Absent All-in-Favor Motion carried

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the June 16, 2011 Special Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:** 5-0 with 2 Absent All-in-Favor Motion carried

**ACTION:** A motion was made by Mayor Norkavage to enter into an executive session to discuss legal and personnel matters and to return to the public afterwards. The motion was seconded by Councilwoman Personti.

**VOTE:** 5-0 with 2 Absent All-in-Favor Motion carried

At this time there was an Executive Session.

At 6:45pm during the Executive Session Councilman Jaremchuk arrived to the meeting.

## **OLD BUSINESS:**

### Presentation by Pillar Benefits group regarding the New Retirement Plans.

At this time Mr. Matthew May of Pillar Benefits presented the proposed new plan for existing Police Officers, the plan proposed for new Police Officers and a plan for Town Employee.

It was discussed that the Pension Committee will remain a committee to oversee the new retirement plans.

### Consideration of Ordinance 536 for Third and Final Reading

**ACTION:** A motion was made by Councilman Burg to consider Ordinance 536 for Third and Final Reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg presented the Ordinance and described its purposes.

Mayor Norkavage asked if this would be considered a rental property.

Town Manager John Giles stated that it would have to be an employee and that they would need to be heard by the Board of Adjustment for a Special Exception Use Permit to allow the dwelling unit, it would also only be used for a watchmen, not a general rental unit.

**VOTE:**            6-0 with 1 Absent            All-In-Favor            Motion Carried

### Consideration of Ordinance 537 for Third and Final Reading

**ACTION:** A motion was made by Councilman Jaremchuk to consider Ordinance 537 for Third and Final Reading. The motion was seconded by Councilman Burg.

Councilman Jaremchuk presented the Ordinance and described its purposes.

**VOTE:**            6-0 with 1 Absent            All-In-Favor            Motion Carried

## **NEW BUSINESS:**

### Consideration of Ordinance 538 for First and Second Reading

Town Manager John Giles stated that Ordinance 538 was placed onto the agenda by mistake. This item does not need to be in the form of an Ordinance.

Town Manager John Giles stated that Krienen-Griffith Funeral Home owns all properties between Oak Avenue and Beech Avenue. Mr. Krienen has applied for re-financing of the funeral home and was told that the funeral home has no parking. The parking for the funeral home is part of the property next to it which is owned by Mr. Krienen as well. Therefore Mr. Krienen has requested that the Town aid him in moving the property line to allow the parking to be part of the Funeral Home lot instead of the neighboring lot. This move would not create any non-conforming uses and all lots would be in full compliance with all codes. The Code states that the Town Manager can approve such a request without a public hearing if there are violations of the Code. However, The Planning Commission and the Mayor and Council must be given 10 days to express any concerns with the request. Therefore, he asked that the Mayor and Council contact him within the next 10 days with any concerns they may have.

## **DEPARTMENTAL REPORTS:**

### Code Enforcement

Town Manager John Giles presented the monthly report.

### Finance

Town Manager John Giles gave a brief overview of the finances. He stated that the Tax Bills would be mailed in the next few days.

### Public Safety

Chief Laura Giles stated that she has been in contact with the Domestic Violence Division and is still trying to get a grant to cover the remaining costs of the Summer Patrols. Also there has been some Criminal Mischief at Vilone Park and Village Park over the last week.

Mayor Norkavage asked that the police do everything they can to catch the culprit and to prosecute them as effectively as possible.

Councilwoman Personti asked that the police pay close attention to suspicious exchanges that are occurring at the bridge on Jefferson Avenue. She also stated that the street light is beginning to cycle on and off again.

Mayor Norkavage stated that she has received a comment from a resident that people are running the stop sign located at Alfred Avenue and Olga Avenue.

Councilman Kacperski asked if there were any stats from the speed trailer while it was on Linden Avenue.

Chief Giles stated that unfortunately the machine malfunctioned and there are no stats from that location, she also stated that it is fixed now and we should get new stats from its new location on Birch Avenue.

### Public Works

Town Manager John Giles presented the public works report. He also stated that we have 7 participants in the New Castle County Summer Youth Program. He announced that we were successful getting \$50,000 a piece from Senator Blevins and Representative Mitchell for street repairs to total \$100,000 and we will be preparing to select the roads that will be done soon, in addition, he believes that with their assistance that we have secured funding to finish the Dog Park on Baltimore Avenue.

### Town Managers Report

Town Manager John Giles stated that the results of the Special Election indicate that Councilman McKewen won the election with 37 votes, while his opponent Mr. Favreau who had 21 votes. He stated that we have had a Board of Elections member who has now missed 2 elections and must be replaced, He stated that he has spoken with this member and while the member shows a want to serve he has been unable to attend the elections which gives us a vacancy on one of the most important Boards in the Town. He asked that anyone with suggestions of a replacement please contact him as soon as possible.

Town Manager John Giles stated that we have ordered the recycling cans and they should be delivered on August 4<sup>th</sup>, the cans will be delivered between August 18<sup>th</sup>-August 24<sup>th</sup>. August 11<sup>th</sup> we will be sending a letter to the residents informing them of this information, the first Recycling date will be September 7<sup>th</sup> which is prior to the state mandated date for implementation. Waste Management will not charge additional funds for this service and will alternate with Yard Waste on every other Wednesday.

Town Manager John Giles read a few excerpts from the State Code regarding Yard Waste mixed with Household Waste in response to a complaint received from Mr. Kevin Naughton regarding Waste Management's collection of occasional Yard Waste with Household Waste.

Town Manager John Giles stated that the Chief has brought to his attention that the contract with First State Towing will be expiring and we have been requested to renew the contract.

Councilman Jaremchuk asked what the new renewal period will be.

Chief Laura Giles stated that the new contract would be for 1 year.

**ACTION:** A motion was made by Councilman Jaremchuk renew the Towing Contract with First State Towing. The motion was seconded by Mayor Norkavage.

**VOTE:** 6-0 with 1 Absent All-In-Favor Motion Carried

#### **ITEMS SUBMITTED BY MAYOR AND COUNCIL:**

Councilwoman Personti stated that she would like new businesses to be given information regarding the Town such as Code Enforcement and Zoning are both handled by the Town not New Castle County. She stated that she would like to see a page of general information given to the businesses when they apply for their licenses.

Town Manager John Giles stated that there are 27 different codes which address businesses and he would be concerned with “what if we forgot something”, we would be subject to the “you didn’t tell us about that”. He stated that he believed maybe we could satisfy the problem by placing a statement on the license or the application regarding the business requirements to comply with the Town of Elsmere Code.

Councilwoman Personti stated that she believed that there should be a statement they sign on the application regarding this information.

Town Manager John Giles stated that he could place a statement on the application to the effect of “The Town of Elsmere is its own municipality and by that it has its own Codes and Regulations and that they are required to check our website or meet with our Code Enforcement Officer to ensure compliance”.

Councilwoman Personti stated that she agrees with the statement proposed and this would satisfy her concerns.

#### **PUBLIC COMMENT:**

Geraldine Anderson asked where the recycling bins would be kept prior to collection.

Town Manager John Giles stated that they would be kept in the same location as trash containers with the same code requirements.

An unidentified resident asked what would happen if their recycle container was damaged by the garbage company.

Town Manager John Giles stated that they would contact Town Hall regarding the issue, the can would be replaced and we would contact the garbage collector regarding the issue.

Jerry Wilson asked if we get reports regarding Special Pickups and why the fees are so high.

Town Manager John Giles stated that he agrees the fees are high however because it is in the contract we cannot argue the cost as well as we do not have the personnel to do it with our employees.

Kim Clark asked where the new Dog Park would be.

Councilman Burg stated that it would be located at Northern and Baltimore Avenues.

Ms. Clark also asked if we could convert the Linden Avenue Tennis Courts into a skate area for children to get them out of the street.

Councilman Kacperski stated that he can be sure that there would be resistance from residents to convert that property.

Chief Laura Giles stated that she would step up the patrols to keep the children off the street when they have the ramps and such in the street.

Ms. Clark asked if a "Caution Children at Play" sign placed on Birch Avenue to help with the problems.

Councilman Burg stated that he would do what he can to get that up.

Councilman Burg stated that he thought the Town's Independence Day Celebration Fireworks were fantastic and the best in the area including Newark which were pretty good.

#### **ADJOURNMENT:**

**ACTION:** A motion was made by Councilman Burg to Adjourn. The motion was seconded by Councilman Jaremchuk.

**VOTE:** 6-0 with 1 Vacant All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**DEBORAH A. NORKAVAGE**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**